



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/594,071  | 09/25/2006  | Yuuji Tobisaka       | SH-0068PCTUS        | 3356             |
| 21254 7590 09/23/2010<br>MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC<br>8321 OLD COURTHOUSE ROAD<br>SUITE 200<br>VIENNA, VA 22182-3817 |             |                      |                     |                  |
| EXAMINER<br>DEHGHAN, QUEENIE S  |             |                      |                     |                  |
| ART UNIT  |             | PAPER NUMBER         |                     |                  |
| 1791  |             |                      |                     |                  |
| MAIL DATE   |             | DELIVERY MODE        |                     |                  |
| 09/23/2010  |             | PAPER                |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action**  
**Before the Filing of an Appeal Brief**

**Application No.**

10/594,071

**Applicant(s)**

TOBISAKA ET AL.

**Examiner**

QUEENIE DEHGHAN

**Art Unit**

1791

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 08 September 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1, 3, 4 and 15-19.  
Claim(s) withdrawn from consideration: 5-10 and 12-14.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/Queenie Dehghan/  
Examiner, Art Unit 1791

Continuation of 11, does NOT place the application in condition for allowance because: Regarding the 112 first paragraph rejection, the limitation in question is the "moving of the holding devices during an elongation process". The applicant points to three portions of the specification as mentioned on page 7 of the remarks. The first two portions were noted to teach the glass base material is held by one or more midway holding devices during the entirety of elongation. First, these two portions do not address the actual movement of the devices during the elongation process, as indicated by the claim. Second, the first portion of the specification recite teaches that the holding devices are moved aside, so that the elongation process and flame polishing process can proceed without interference for the movement of the burner. This indicates the holding devices are already moved aside before the elongation step, otherwise, how would it proceed. Third, the second portion recited teaches using one or more midway holding point "in view of shifting the midway holding positions from one point to another". According to the specification, this shift of the point to another is in reference to the welding process and not at all to the elongation process, where the previous portion recited already mentions the holding devices are moved aside to get out of the way of the burner. Therefore, the glass is not held by the devices in the entirety of elongation.

The applicant points to a third portion of the specification to find support for the moving of the device during elongation. The applicant argues the use of "however" links the first phase of heating as part of the elongation process. The Examiner disagrees. The "however" term is used to contrast the previous paragraph that uses two holding devices to switch from one point to another point. In other words, the specification gives an example of utilizing two holding devices when the need to switch from one point to the another and that this would not necessary (hence however) when elongating since the headstock is moving providing the necessary lateral tension. It is not clear how the applicant uses the term however to link the first heating phase to the elongation process. Where is the contrast that required the use of the term "however". Also, it appears that elongation is the shortening of the diameter of the glass which performed by moving the headstock so that the glass is pulled/elongated. Since the first phase of heating does not require the movement of the heatstock, elongation is not being performed. Therefore, the first phase of heating is not a part of the elongation process.

Additionally, the applicant argues "the claimed moving requires the holding device is moved to the vicinity of the chuck and hence not to be used to hold the glass during the elongation process and not during the first phase of heating. The applicant argues Kim moves the holding device in contradiction to the claim language. The Examiner agrees Kim teaches moving the device in a "heating" process and not moving the device during a first phase of heating. The claim language was broadly read to interpret that the device is moved during elongation and the location it is moved to is in the vicinity of the chuck and that such movement does not exist during the first phase of heating. Accordingly, Kim teaches moving the device during heating to a predetermined position where the glass starts deflecting. Since the heating process of Kim travels from the left chuck to the right chuck, the first deflection point would be in the vicinity of the chuck, where the holding device would be moved to. The claim language does not express that the holding device no longer serves to hold the glass. Furthermore the claim language recites not moving the device during the first phase of heating, which Kim teaches, as discussed.